

## REMARKS

Claims 1-6 are pending in this application. Claims 1-3, 5 and 6 were rejected. Claim 4 was indicated to be allowable. Claim 1 is currently amended. Reconsideration is respectfully requested.

In the Advisory Action dated February 21, 2007 the Office asserts that claim 1 does not recite the limitation that what is considered is attenuation by the access point itself, rather than by the air between the access point and the receiver device. Although Applicant disagrees, claim 1 has been amended to recite "attenuation of signal strength of transmissions by the alternative access point" rather than "attenuation of signal strength of transmissions from the alternative access point."

The Office also asserts that Pinard teaches the recited limitation because it uses RSSI. With respect, RSSI is the received signal strength indicator. A nearby weak transmitter can have the same RSSI as a distant powerful transmitter. Further, the RSSI of a transmitter capable of power control will change over time, i.e., even from a fixed distance, the received power changes as the transmitter dynamically changes power based on distance to supported stations and nearby access points on the same channel. In short, RSSI is inadequate in a wireless network with dynamic power control. One feature of the claimed invention is what could be thought of as a transmitted signal strength indicator. For example, an access point might indicate the actual transmission strength, or the attenuation relative to maximum power. In either case, the receiver can utilize this information to determine distance to the device by comparing transmitted power to received power, and the amount by which the device might increase power to improve service. This represents a distinct improvement over RSSI in a network with dynamic power control.

Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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